

REMARKS

In response to the Final Office Action dated November 16, 2005, Applicants respectfully request reconsideration. To further prosecution of this application, each of the issues raised in the Office Action is addressed herein.

In this response, claims 323-341 have been added to further define Applicants' contribution to the art. No previously pending claims have been amended.

As a result, claims 1 to 37, 53 to 56, 61 to 66, 68, 69, 71 to 92, 95 to 129, 143 to 152, 154 to 157, 166 to 213, 229 to 232, 237 to 242, 244 to 246, 248 to 309 and 323-341 are pending for examination, of which claims 1, 26, 32, 53, 61, 65, 68, 71, 126, 143, 154, 166, 177, 202, 208, 229, 237, 241, 244, 248, 306, 323, 335 and 337 are independent claims. The Application as now presented is believed to be in allowable condition.

A. Improper Final Rejection

Initially, Applicants respectfully believe that the Examiner has improperly issued a final rejection in this application. According to MPEP 706.07(a), the Examiner may not place a second or any subsequent action on the merits under final where:

[t]he examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 C.F.R. 1.97(c). *Id.*

Presently, the Examiner has issued a new ground of rejection by introducing an entirely new reference to reject the claims, i.e. the Nagata reference (U.S. Patent No. 6,304,287). Applicants have not submitted the Nagata reference in any previous IDS. Also, in the response dated August 8, 2005 to the previous Office Action dated April 4, 2005, Applicants did not make any amendments to the following independent claims: 32, 61, 65, 68, 71, 126, 143, 154, 166, 202, 208, 237, 241, 244, 248 and 306. With respect to at least these independent claims, the Examiner's new ground of rejection is neither "necessitated by applicant's amendment of the

claims” nor “based on information submitted in an information disclosure statement.” *Id.* Accordingly, Applicants respectfully submit that the Examiner has improperly placed the application under final rejection. Therefore, the finality of the present office action should be withdrawn.

B. **NOTICE OF COPIED CLAIMS PURSUANT TO 37 C.F.R. §§41.202(a)(1) and 10.23(c)(7)**

In accordance with 37 C.F.R. §§41.202(a)(1) and 10.23(c)(7), Applicants hereby notify the Office that newly added claims 323-341 have been copied from U.S. Application Serial No. 10/075,520, filed February 13, 2002, naming Duncan Kerr as an inventor (hereinafter, the “Kerr” application). In particular, new claims 323-341 are identical to currently pending claims 20-38 of the Kerr application.

The Kerr application was published on December 19, 2002 as publication no. US-2002-0190975. Compliance with 35 U.S.C. §135(b)(2) is not at issue, because the present application was filed on October 23, 2001, i.e., prior to the publication of the Kerr application.

The Kerr application claims priority under 35 U.S.C. §119(e) to the following two provisional applications:

Serial No. 60/298,364, filed June 15, 2001, and entitled “ACTIVE ENCLOSURE FOR COMPUTING DEVICE;” and

Serial No. 60/315,571, filed August 28, 2001, and entitled “COMPUTING DEVICE WITH DYNAMIC ORNAMENTAL APPEARANCE.”

The present application claims priority under 35 U.S.C. §119(e) to several provisional applications, including Serial No. 60/277,911, filed March 22, 2001, and entitled “SYSTEMS AND METHODS FOR DIGITAL ENTERTAINMENT.” Accordingly, the provisional application to which the present application claims priority predates both of the provisional applications to which the published Kerr application claims priority.

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The subject matter of newly added claims 323-341 is supported throughout the specification of the present application as well as in provisional application Serial No. 60/277,911. In particular, specific support for the feature of “extending the feel of a screen display to a housing that surrounds the screen display” may be found at least on page 16, line 14 through page 17, line 4 of Serial No. 60/277,911. A copy of relevant portions of provisional application Serial No. 60/277,911 is enclosed herewith for the Examiner’s convenience.

New claims 323-341 are added to further define Applicants’ contribution to the art, and are believed to patentably distinguish over the references cited thus far in the present application, including the Nagata reference discussed immediately below.

C. Claim Rejections under 35 U.S.C. § 102

On page 2 of the Office Action, claims 1, 26, 32, 53, 61, 65, 68, 71, 126, 143, 154, 166, 177, 202, 208, 229, 237, 241, 244, 248 and 306 were rejected under 35 U.S.C. §102 as allegedly being anticipated by Nagata (U.S. Patent No. 6,304,287). Applicants respectfully traverse these rejections.

Applicants note that the Examiner fails to clearly and concisely explain his positions for rejecting each of Applicants’ independent claims based on the specific features recited in each independent claim. Instead, the Examiner sets forth his rejection of all 21 independent claims as pending prior to this paper in a single brief paragraph found on pages 2-3 of the Office Action. As discussed in detail below, the Examiner completely fails to specifically address the unique features associated with many of Applicants’ claims. Accordingly, Applicants respectfully submit that the rejections indicated in the Office Action are improper. Notwithstanding the foregoing, Applicants provide detailed arguments below in support of the patentability of all of the pending claims.

1. Discussion of Nagata

Nagata is directed to an image viewing device that is mounted on a user's face and permits the user to observe a virtual image on a display unit (col. 3, lines 21-30). Accordingly, while wearing such an image viewing device, a user's normal view of their surroundings is generally impeded. To account for this situation, Nagata discloses that small light sources emitting light of a specific wavelength may be attached to various household items, or "accessories," located within the immediate vicinity of the user to facilitate identification of the location of these objects (col. 2, lines 32-38).

More specifically, Nagata discloses that at least a part of the frame of the image viewing device is configured to allow the passage through the device of the specific wavelength of light corresponding to the light emitted by the light sources attached to objects or accessories. In this manner, the specific wavelength of light associated with the objects or accessories is visible to the user through the image viewing device mounted on the user's face, and therefore indicates to the user the presence of an accessory in the vicinity without requiring the user to remove the image viewing device from the user's face (col. 4, lines 13-17). In other embodiments (Nagata's Figs. 9 and 10), Nagata provides additional light sources for illumination to enhance the specific wavelength of light that passes through the image viewing device and facilitates indication of an accessory or object in the user's surroundings (col. 5, lines 30-35).

The system described in Nagata may extend to other applications, such as at video stores or at coffee shops where users may eat and drink freely during a viewing (co. 6, lines 14-20).

2. Independent Claims 1 and 177

Applicants' claim 1 is directed to a method of providing illumination in coordination with a display screen. The method includes providing a source of computer application content for display on a display screen; providing an illumination source for illuminating an environment that is related to and beyond the display screen; and coordinating the illumination source to illuminate the environment in relationship to the computer application content on the display

screen. Claim 177 is an independent apparatus (system) claim that closely tracks the language of independent method claim 1.

Nagata does not disclose or suggest the method and system of Applicants' claims 1 and 177, respectively. In particular, Nagata completely fails to teach or suggest *coordinating the illumination source to illuminate the environment in relationship to the computer application content on the display screen.*

In Nagata, the light emanating from the light sources attached to accessories or enhanced light from an illuminating apparatus, and the content being viewed by the user on the image viewing device mounted on the user's face, are not coordinated or related in any manner whatsoever. The light sources attached to the accessories or the enhancing illuminating apparatus emanate static light; stated differently, so long as the light sources receive power (e.g., the accessories are plugged into their power source), the light sources continuously produce light of a specific wavelength solely for the purposes of indicating the location of an accessory, regardless of the existence or content of an image that is being displayed and viewed by the user on the image viewing device (col. 4, lines 17-24). Again, the light from the light sources and the viewing content on Nagata's image viewing device are completely unrelated.

Thus, Nagata fails to disclose or suggest at least the feature recited in claims 1 and 177 of coordinating the illumination source to illuminate the environment in relationship to the computer application content on the display screen. For at least the foregoing reasons, claims 1 and 177 patentably distinguish over Nagata and are believed to be in condition for allowance. Therefore, the rejections of claims 1 and 177 under 35 U.S.C. §102 as allegedly being anticipated by Nagata should be withdrawn.

Claims 2 to 25 and 178 to 201 depend from one of claims 1 and 177 and are allowable based at least upon their dependency.

3. Independent Claims 26 and 202

Applicants' claim 26 is directed to a method of illumination. The method includes providing an illumination source capable of illuminating an environment with a plurality of

colors; providing a control system for controlling the illumination source; and configuring the control system to accept a signal related to content displayed on a display screen. Claim 202 is an independent apparatus (system) claim that closely tracks the language of independent method claim 26.

Nagata fails to disclose or suggest any feature relating to illuminating an environment with a plurality of colors, as recited in claims 26 and 202. Rather, Nagata merely teaches providing a light source on an object in order to indicate its presence to a user (col. 1, lines 62-67). Nagata is completely silent with respect to the light beam, or any other light source, being capable of illuminating anything with a plurality of colors. For at least this reason, claims 26 and 202 patentably distinguish over Nagata and are in condition for allowance. Therefore, the rejections of these claims as allegedly being anticipated by Nagata should be withdrawn.

Claims 27 to 31 and 203 to 207 depend from one of claims 26 and 202 and are allowable based at least upon their dependency.

4. Independent Claims 32 and 208

Applicants' claim 32 is directed to a method of providing a control signal for an illumination system. The method includes providing content for a computer application including a display on a computer screen; providing the control signal adapted to control an illumination system to generate at least one time-varying lighting effect; and coordinating generating the control signal such that the at least one time-varying lighting effect is coordinated with the content. Claim 208 is an independent apparatus (system) claim that closely tracks the language of independent method claim 32.

Nagata fails to disclose or suggest an illumination system that generates at least one time-varying lighting effect, as recited in claims 32 and 208. Rather, Nagata merely teaches providing a light source on an object in order to indicate its presence to a user (col. 1, lines 62-67). Nagata is completely silent with respect to any time-varying effects. Accordingly, claims 32 and 208 patentably distinguish over Nagata and are in condition for allowance.

Claims 33 to 37 and 209 to 213 depend from one of claims 32 and 208 and are allowable based at least upon their dependency.

5. Independent Claims 53 and 229

Applicants' claim 53 is directed to a method of illumination in a virtual reality environment. The method includes providing a display screen for displaying virtual reality content in at least a portion of the virtual reality environment; providing a lighting system for illuminating at least a portion of the virtual reality environment beyond the display screen; and coordinating illumination from the lighting system with the virtual reality content beyond the display screen. Claim 229 is an independent apparatus (system) claim that closely tracks the language of independent method claim 53.

As discussed above in connection with claims 1 and 177, Nagata fails to disclose or suggest any feature relating to *illuminating at least a portion of the virtual reality environment beyond the display screen and coordinating illumination from the lighting system with the virtual reality content beyond the display screen*, as recited in claims 53 and 229. Rather, Nagata merely teaches providing a light source on an object in order to indicate its presence to a user (col. 1, lines 62- 67). Nowhere in the reference does Nagata make any disclosure or suggestion that the light beam also may provide general ambient illumination in an environment around the display screen, nor does any coordination exist between the accessories and the contents displayed on the image viewing device.

For at least the foregoing reasons, claims 53 and 229 patentably distinguish over Nagata and are in condition for allowance. Therefore, the rejections of claims 53 and 229 as allegedly being anticipated by Nagata should be withdrawn.

Claims 54 to 56 and 230 to 232 depend from one of claims 53 and 229 and are allowable based at least upon their dependency.

6. Independent Claims 61 and 237

Applicants' claim 61 is directed to a method of modeling. The method includes providing a computer-based representation of a solid model in a virtual environment. The representation includes a capability for modeling an effect of light illuminating the solid model. The method also includes providing a controller for a light system. The controller is adapted to control the light system to illuminate the solid model in a real environment in correspondence with the modeled effect of the light in the virtual environment. Claim 237 is an independent apparatus (system) claim that closely tracks the language of independent method claim 61.

Nagata completely fails to disclose or suggest the method and system recited in claims 61 and 237, respectively. In particular, nowhere in the reference does Nagata disclose or suggest a computer-based representation of a solid model in a virtual environment, let alone any of the remaining features recited in these claims. For at least this reason, claims 61 and 237 patentably distinguish over Nagata and are in condition for allowance. Therefore, the rejections of claims 61 and 237 as allegedly being anticipated by Nagata should be withdrawn.

Claims 62 to 64 and 238 to 240 depend from one of claims 61 and 237 and are allowable based at least upon their dependency.

7. Independent Claims 65 and 241

Applicants' claim 65 is directed to a method of simulating an environment of a real world situation. The method includes establishing a simulated environment corresponding to an environment of the real world situation; providing a lighting system for illuminating the simulated environment; and controlling the lighting system to illuminate the simulated environment in a manner corresponding to illumination conditions typical of the real world environment. Claim 241 is an independent apparatus (system) claim that closely tracks the language of independent method claim 65.

Nagata completely fails to disclose or suggest the method and system recited in claims 65 and 241, respectively. In particular, nowhere in the reference does Nagata disclose or suggest a lighting system to illuminate the simulated environment in a manner corresponding to

illumination conditions typical of the real world environment. Rather, Nagata merely teaches providing a light source on an object in order to indicate its presence to a user (col. 1, lines 62-67). For at least this reason, claims 65 and 241 patentably distinguish over Nagata and are in condition for allowance. Therefore, the rejections of claims 65 and 241 as allegedly being anticipated by Nagata should be withdrawn.

Claims 66 and 242 depend from claims 65 and 241, respectively, and are allowable based at least upon their dependency.

8. Independent Claims 68 and 244

Applicants' claim 68 is directed to a method of illumination of an environment. The method includes providing a display screen for displaying content of a computer application; providing a lighting system for illuminating an environment of a user of the computer application with multi-color illumination; and providing a surface for receiving the multi-color illumination from the lighting system. The user perceives at least some of the multi-color illumination in the environment. The method also includes coordinating the multi-color illumination of the surface with execution of the content of the computer application. Claim 244 is an independent apparatus (system) claim that closely tracks the language of independent method claim 68.

As discussed above in connection with claims 26 and 202, Nagata fails to disclose or suggest any feature relating to illuminating an environment with multi-color illumination, as recited in claims 68 and 244. Rather, Nagata merely teaches providing a light source on an object in order to indicate its presence to a user (col. 1, lines 62-67). For at least this reason, claims 68 and 244 patentably distinguish over Nagata and are in condition for allowance.

Claims 69, 245 and 246 depend from one of claims 68 and 244 and are allowable based at least upon their dependency.

9. Independent Claims 71 and 248

Applicants' claim 71 is directed to a method of controlling illumination in an environment of a visual display screen. The method includes providing an illumination

source for producing illumination comprising a plurality of colors; obtaining a signal related to content displayed on the display screen; providing a control system for controlling the illumination source; and controlling the illumination source to illuminate the environment in coordination with the content displayed on the display screen. Claim 248 is an independent apparatus (system) claim that closely tracks the language of independent method claim 71.

For reasons similar to those discussed above in connection with claims 26 and 202 (as well as claims 68 and 244), claims 71 and 248 are believed to be in allowable condition. Claims 72 to 92, 95 to 125, and 249 to 305 depend from one of claims 71 and 248 and are allowable based at least upon their dependency.

10. Independent Claims 126 and 306

Applicants' claim 126 is directed to a method of facilitating illumination control. The method includes providing a control system for an illumination source configured to provide variable color light; adapting the control system to receive a signal representative of visual content displayed on a display screen; and adapting the control system to control the illumination source to generate the variable color light in coordination with the visual content. Claim 306 is an independent apparatus (system) claim that generally tracks the language of independent method claim 126.

For reasons similar to those discussed above in connection with claims 26 and 202 (as well as claims 68 and 244), claims 126 and 306 are believed to be in allowable condition. Claims 127 to 129 and 307 to 309 depend from one of claims 126 and 306 and are allowable based at least upon their dependency.

11. Independent Claim 143

Applicants' claim 143 is directed to a screen for use with a lighting system. The screen includes a frame designed to be placed in proximity to the a user of a computing system, and a material mounted on the frame. The material is arranged to reflect illumination produced by a

the lighting system to such that the user of the computing system perceives the illumination in an ambient environment around the computing system.

Nagata completely fails to disclose or suggest the system recited in claim 143. In particular, nowhere in the reference does Nagata disclose or suggest a material mounted on the frame, much less, the material being *arranged to reflect illumination produced by a lighting system to such that the user of the computing system perceives the illumination in an ambient environment around the computing system*, as in Applicants' claim 143.

For at least this reason, claim 143 patentably distinguishes over Nagata and is in condition for allowance.

Claims 144 to 152 depend from claim 143 and are allowable based at least upon their dependency.

12. Independent Claim 154

Applicant's claim 154 is directed to a method for visualizing relative locations of virtual objects within a virtual environment. The method includes providing a computing device and generating a virtual environment on the computing device. The virtual environment contains a plurality of virtual objects. The method also includes associating with at least one of the plurality of virtual objects the illumination from a lighting fixture; and visualizing the relative location of the virtual object by the positioning position of the illumination.

Nagata completely fails to disclose or suggest the method recited in claim 154. In particular, nowhere in the reference does Nagata disclose or suggest visualizing a relative location, much less the positioning of the illumination in accordance to the visualization of the relative location. Rather, Nagata merely teaches providing a light source on an object in order to indicate its presence to an user (col. 1, lines 62- 67). For at least this reason, claim 154 patentably distinguish over Nagata and is in condition for allowance. The rejections of claim 154 as allegedly being anticipated by Nagata should be withdrawn.

Claims 155 to 157 depend from claim 154 and are allowable based at least upon their dependency.

13. Independent Claim 166

Applicant's claim 166 is directed to a method of providing illumination in coordination with display of content on a display screen. The method includes providing a source of displaying computer game content for display on a the display screen; and providing an illumination source for illuminating an environment that is related to the display screen. The illumination source is adapted to generate a plurality of colors. The method also includes providing a control system for controlling the illumination source to provide illumination of a plurality of colors; and coordinating the illumination source to illuminate the environment in relationship to the computer game content on the display screen. The coordination the illumination source uses the control system in response to a signal obtained from the a computer game.

As discussed above in connection with claims 26 and 202, Nagata fails to disclose or suggest any feature relating to illuminating an environment with multi-color illumination, as recited in claim 166. Rather, Nagata merely teaches providing a light source on an object in order to indicate its presence to a user (col. 1, lines 62- 67). Nagata also is completely silent with respect to coordinating an illumination source to illuminate the environment in relationship to computer game content on a display screen. For at least the foregoing reasons, claim 166 patentably distinguishes over Nagata and is in condition for allowance.

Claims 167 to 176 depend from claim 166 and are allowable based at least upon their dependency.

D. Claim Rejections under 35 U.S.C. §103

On page 3 of the Office Action, claims 2 to 25, 27 to 31, 33 to 37, 53 to 56, 62 to 64, 69, 72 to 92, 95 to 125, 127 to 129, 144 to 152, 155 to 157, 167 to 176, 178 to 201, 203 to 207, 209 to 213, 229 to 232, 238 to 240, 242, 245 to 246, 249 to 305 and 307 to 309 were rejected as being allegedly obvious over Nagata. Applicants respectfully traverse these rejections.

As discussed above, these claims are allowable based at least on upon their dependencies on claims 1, 26, 32, 53, 61, 65, 68, 71, 126, 143, 154, 166, 177, 202, 208, 229, 237, 241, 244, 248 and 306, respectively. Therefore, the rejections under 35 U.S.C. §103 are believed to be moot. Applicants' reserve the right, however, to discuss in greater detail the rejections under 35 U.S.C. § 103(a) if deemed necessary in the future.

E. General Comments on Dependent Claims

Since each of the dependent claims depends from a base claim that is believed to be in condition for allowance, Applicants believe that it is unnecessary at this time to argue the allowability of each of the dependent claims individually. However, Applicants do not necessarily concur with the interpretation of the dependent claims as set forth in the Office Action, nor do Applicants concur that the basis for the rejection of any of the dependent claims is proper. Therefore, Applicants reserve the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

F. Other Matters

Applicants note that, in connection with the Office Action Summary sheet, there is no indication with respect to the drawings in item 10. Formal drawings were filed in the present application on July 11, 2002. Accordingly, Applicants would appreciate an indication of the status of the drawings.

Also, in connection with items 13 and 14 of the Office Action Summary sheet, there is no acknowledgement of any priority claims in the present application; however, indeed the present application claims priority to several applications. Accordingly, appropriate acknowledgement for priority claims is respectfully requested.

Finally, on page 2 of the Office Action, the Examiner rejected Applicant's IDS of May 18, 2004, for allegedly failing to provide a legible copy of each cited foreign patent document, non-patent literature publication or other information which caused it to be listed. However, Applicants note that the two cited reference in the IDS of May 18, 2004 are issued U.S. patents.

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Under 37 C.F.R. 1.98(1), Applicants are not required to provide a copy of U.S. patent references. Accordingly, appropriate acknowledgement for the IDS submitted on May 18, 2004 is respectfully requested. A copy of the IDS is attached herein.

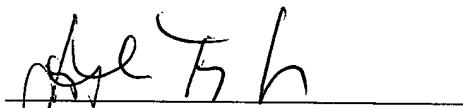
G. Conclusion

In general, the absence of a reply to a specific rejection, issue or comment set forth in the Office Action does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Furthermore, nothing in this paper should be construed as an intent to concede any issue with regard to any claim.

In view of the foregoing remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes that the application is not in condition for allowance, the Examiner is requested to call the Applicants' representative at the telephone number indicated below to discuss any outstanding issues relating to the allowability of the application.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 06-1448, reference CKB-087.01.

Respectfully submitted,



Date: January 17, 2005
Customer No: 25181
Patent Group
Foley Hoag, LLP
155 Seaport Blvd.
Boston, MA 02210-2600

Joseph Teja, Jr., Reg. No. 45,157
Ruth J. Ma, Reg. No. 55,414
Attorney for Applicants
Tel. No. (617) 832-1183
Fax. No. (617) 832-7000